

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
ENTERED

MAY 4 2006

Michael N. Milby, Clerk of Court

UNITED STATES OF AMERICA

VS.

CLAUDIO DE LA CRUZ-RIVA,

Defendant.

§
§
§
§
§
§
§

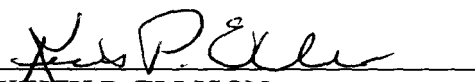
CRIMINAL NO. H-05-0051

MEMORANDUM AND ORDER

Pending before the Court is Defendant's letter motion to withdraw his appeal. Because the appeal is proceeding before the Fifth Circuit, this Court lacks the power to terminate it. If Defendant wishes to abandon the appeal, he should file a motion to do so in the Fifth Circuit Court of Appeals. The pending motion to withdraw, Docket No. 36, is therefore **DENIED**.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 4th day of May, 2006.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.